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09/753,326	12/29/2000	Pankaj Kedia	42390P10227	1211

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EXAMINER

CHEN, TSE W

ART UNIT	PAPER NUMBER
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2116

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04/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PANKAJ KEDIA and JAMES KARDACH

Application No. 09/753,326
Technology Center 2100

Mailed: April 6, 2009

Before CAROLYN L. JOHNSON, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 29, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Examiner's Answer mailed February 25, 2008 under the heading "Grounds of rejection" is not consistent with the grounds of rejection of claims set forth in the last Office action of record. The grounds of rejection of the claims as provided in the Examiner's Answer must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each ground of rejection to be reviewed on appeal must be identified and any new grounds of rejection must be provided under a separate heading "New Grounds of Rejection" in the Examiner's Answer and must include the approval of the TC Director or his/her designee. *See also Manual of Patent Examining Procedure (MPEP)* § 1207.02 and 1207.03 (8th ed. Rev. 6, Sept 2007) for details.

Specifically, the Examiner's Answer does not restate the following grounds of rejection:

(a) claims 33, 34, 36 and 37 under 35 U.S.C. § 103(a) as unpatentable over Umina and Barber, further in view of Ditzik;

(b) claim 35 under 35 U.S.C. § 103(a) as unpatentable over Ditzik, Umina and Barber, further in view of Chen;

(c) claims 41 and 53 under 35 U.S.C. § 103(a) as unpatentable over Hollon and Umina, further in view of Ditzik; and

(d) claims 43 and 45-47 under 35 U.S.C. § 103(a) as unpatentable over Hollon and Umina, further in view of Ditzik.

Correction of all Grounds of rejection for all claims is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- (1) to vacate the Examiner's Answer mailed February 25, 2008;
- (2) to issue a new "paper" restating all Grounds of rejection;
- (3) to provide the disposition of claims 54-56; and
- (4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

clj

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